

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEW ENGLAND HEALTH CARE EMPLOYEES
UNION, DISTRICT 1199, AFL-CIO
Petitioner

v.

UNITED PUBLIC SERVANTS UNION, LOCAL 7
Incumbent

and

RIVERSIDE REST HOME AND COUNTY JAIL,
STRAFFORD COUNTY, NEW HAMPSHIRE
Public Employer

CASE NO. M-0525

DECISION NO. 80019

APPEARANCES

Representing the Petitioner, District 1199, NEHCE:

John M. Creane, Esquire, Counsel
Robert Warfield, Representative

Representing the Incumbent, Local #7, UPS:

James Guyett, Representative

Representing the Public Employer, Strafford County:

Terence Casey, Administrative Aide

Witnesses:

Robert Warfield, Representative, District 1199
Jean Doherty, Employee
Carol Gagnon, Employee
Michael Gustafson, Employee

BACKGROUND

On February 19, 1980, the New England Health Care Employees Union, District 1199, AFL-CIO, petitioned for certification in accordance with RSA 273-A and the Board's Rules and Regulations, representing that thirty (20) percent of the employees of the Riverside Rest Home and County Jail, Strafford County, New Hampshire, alleged they wished to be represented in collective bargaining by District 1199. The employees are currently represented by United Public Servants Union, Local #7.

The incumbent and the public employer both challenged the petition on the basis of timeliness.

Hearing was held at the Board's offices on April 10, 1980 with Chairman Edward J. Haseltine presiding.

FINDINGS OF FACT

1. The contract by and between Riverside Rest Home and County Jail, Dover, New Hampshire, referred to as the employer, and Local #7, United Public Servants Union, Inc., was effective January 1, 1979 and terminated December 31, 1979.
2. Article XXV, Section "b" of the expired agreement contained the following language:

"It is agreed and understood that should negotiations continue after the terminal date of the agreement, the agreement shall remain in full effect and force until a new agreement has been negotiated."
3. Negotiations continued between the parties after the expiration of the contract. Results of the negotiations were submitted to the membership in early 1980 and rejected. Negotiations continued and on February 8, 1980 again submitted to the membership for a vote. The Union declined to ratify the contract by a vote of 24 to 17. Total eligible voters in the unit number approximately 260. Subsequent attempts to return to the table were unsuccessful.
4. Unit at the Riverside Rest Home and County Jail covers the following positions: guards, custodial, maintenance, dietary, housekeeping aides, laundry aides, clerical, registered nurses, licensed practical nurses and excludes supervisors and managerial executives.
5. The petition from New England Health Care Employees Union, District 1199, AFL-CIO, was submitted in accordance with RSA 273-A and was accompanied by the sufficient number of individual signature cards from individuals indicating a desire to be represented by District 1199.
6. The signature cards submitted by United Public Servants Union, Local 7, repudiating the cards signed for District 1199, were not sufficient to nullify District 1199's petition.

DECISION AND ORDER

Having carefully reviewed the contract between the Riverside Rest Home and County Jail and United Public Servants Union, Local 7, the petition submitted by New England Health Care Employees Union, District 1199, AFL-CIO, the testimony and evidence in this case, and considering that the original bargaining unit had never been privileged to the election process, the Board rules as follows:

- A. Petition submitted by District 1199, N. E. Health Care Employees Union meets the requirements of RSA 273-A and is hereby allowed.
- B. Election for all eligible employees of the Riverside Rest Home and County Jail will be held by the Public Employee Labor Relations Board within the next thirty (30) days.



EDWARD J. HASELTINE, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 25th day of April, 1980

By unanimous vote. Chairman Edward J. Haseltine presiding for the first part of the hearing. Present and voting, hearing officers, David L. Mayhew and James C. Anderson. Also present, Board Executive Director, Evelyn C. LeBrun